HIGH COURT OF UTTARANCHAL AT NAINITAL

(Court's order whether the case is or not approved for reporting.)

(Chapter VIII Rule 32 (2)(b)

Description of the case.

W.P. No. 352 / 2005 (S/S)
Sri Sudarshan Kumar Sethi,
Vs
State of Uttaranchal and others.

Approved for reporting.

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~~Not approved for reporting~~

Date of decision 04.30.2006

Initial of Judge

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 352 (SS) OF 2005

Sri Sudarshan Kumar Sethi,
S/o Shri Haveli Ram Sethi,
R/o N-66-C, Shyam Nagar,
Khayala road,
New Delhi-110018. .....Petitioner.

Versus

1. State of Uttaranchal, Secretary Irrigation.
2. The executive Engineer,
   Northern Division,
   Ganga Canal, Roorkee,
   (Uttaranchal).
3. The Supdt. Engineer,
   I-Circle, Irrigation Work,
   Meerut Cantt (U.P.).
4. The Chief Engineer,
   Irrigation Department,
   Lucknow (U.P.). .....Respondents.

Sri A. Vashistha, Advocate for the petitioner.
Learned Standing Counsel for the State of U.A.
Ms. Beena Pandey, learned Standing Counsel for U.P.

Dated : 04.03.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for a writ of Mandamus directing the respondent to grant the pension to the petitioner and also other retiral benefits as applicable to the petitioner, in accordance with Service Rules w.e.f. the date of acceptance of his resignation i.e. 01.08.1972 and has further prayed for a writ of mandamus directing the

respondents to pay interest on the amount so accumulated under the head of pensionery benefits to the petitioner.

Brief facts giving rise to the present writ petition are that the petitioner joined his service as L.D.C. on 8th June, 1959 in Irrigation Department, U.P. and worked as L.D.C. at U.P. Irrigation Workshop, Jhansi up to 31.08.1959, thereafter, the period was extended up to 28.10.1959. The petitioner served up to 31st July, 1972 as L.D.C. and a Steno and he completed 12 years, 11 months and 16 days of his service.

After ten years of service, the petitioner resigned of his own on 01.08.1972. The resignation was accepted by the respondent no. 3. After acceptance of the resignation, certain entries were made in the Service Roll, however, the petitioner requested the respondent no. 2 to issue him the copy of the service roll but the same was not issued. Subsequently, the petitioner was supplied the photocopy of the Service Roll.

After 2/3 years of the resignation given by the petitioner, the petitioner visited the officer of the respondent for the issuance of the certified/attested copy of his Service Roll, but the said Service Roll was not supplied to the petitioner. The petitioner also made a request to the respondent for dispensation of the pensionery benefits as he has completed ten years of his regular service in the department but on one or the other pretext, the impression was given to the petitioner that no pensionery benefits can be extended to him, but no reason was assigned to the petitioner by the respondent no.2.

The petitioner has submitted that after completion of ten years of satisfactory service, he has become entitled for being given pension, but the same has not been released in his favour.

The petitioner has further submitted that he is a senior citizen and his wife is suffering from heart disease and also she is a cancer patient and he is he in acute financial crisis.

Liberty is given to the petitioner to file a fresh representation stating his grievance before the authorities concerned within a period of 15 days after the presentation of the certified copy of the order.

If such a representation is filed, the authority concerned shall decide the same in accordance with law within a period of two months thereafter after considering all the grievances of the petitioner.

Writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

04.03.2006
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